

California Regional Water Quality Control Board
Santa Ana Region

June 1, 2001

ITEM: 7.a.

SUBJECT: Waste Discharge Requirements for the U.S. Coast Guard, Maintenance Dredging,
Lower Newport Bay, Orange County – Order No. 01-68

DISCUSSION:

The U.S. Coast Guard must dredge approximately 1,500 cubic yards of sediments to restore the berthing area of their Corona Del Mar mooring in Lower Newport Bay to a depth of 10' MLLW with a 2' overdepth. Dredging activities will be conducted during a three-day period, some time between June 1, 2001 and July 15, 2001. Sediment will be extracted via clamshell or hopper dredge(s) and will be transported by hopper scows to the EPA-authorized LA-2 offshore disposal site.

Dredging activities are expected to create some degree of turbidity in the receiving waters. Measures must be taken to prevent these activities from producing significant amounts of turbidity. If turbidity cannot be controlled by the method of dredging, silt curtains with boom devices, or other similar controls, will need to be deployed to confine the turbidity within the project area.

The requirements contained in the proposed order are intended to protect the beneficial uses of Lower Newport Bay, which include: navigation; water contact recreation; non-contact water recreation; commercial and sportfishing; wildlife habitat; rare, threatened, and endangered species habitat; habitat for spawning, reproduction, and development of fish and wildlife; marine habitat; and; shellfish harvesting.

The proposed waste discharge requirements should be adequate to protect the beneficial uses of the receiving waters.

RECOMMENDATION:

Adopt Order No. 01-68, as presented.

Comments were solicited from the following agencies and parties:

NOAA, National Marine Fisheries Service - Hilda Diaz-Soltero
U.S. Army Corps of Engineers, Los Angeles District – Regulatory Branch
U.S. Fish and Wildlife Service, Carlsbad – David Zoutendyk
U.S. Coast Guard, MSO-LAB - Lt. Cmdr. Phil Daniels
State Water Resources Control Board, Office of the Chief Counsel - Ted Cobb
State Water Resources Control Board, DWQ – Jim Kassel
State Lands Commission - Jane Smith
California Department of Fish and Game, San Diego – Marilyn Fluharty
California Coastal Conservancy - Reed Holderman
California Coastal Commission – James Raives
Orange County Sheriffs Department - Harbor Patrol
Orange County Public Resources and Facilities, Environmental Resources Div. – Chris Crompton
Orange County Public Resources and Facilities, Harbors, Beaches and Parks – Larry Paul
Orange County Health Care Agency – Larry Honeybourne
City of Newport Beach , City Manager
Defend the Bay – Bob Caustin
SPON – Jack Skinner, M.D.
Orange County Coastkeeper – Garry Brown
Lawyers for Clean Water

California Regional Water Quality Control Board
Santa Ana Region

Order No. 01-68

Waste Discharge Requirements

For

U.S. Coast Guard
Maintenance Dredging - Lower Newport Bay
Orange County

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), finds that:

1. On April 18, 2001, the U.S. Coast Guard (hereinafter, discharger) submitted a report of waste discharge regarding their proposed maintenance dredging project in the area of their Corona Del Mar mooring within Newport Bay.
2. The discharger proposes to dredge up to 1,500 cubic yards of sediments to restore the berthing area to a depth of 10' below MLLW. Dredging activities are expected to last only three days. The project may begin as early as June 1, 2001 and will be completed no later than July 15, 2001. Sediment will be extracted via clamshell or hopper dredge(s) and will be transported by hopper scows to the EPA-authorized LA-2 offshore disposal site.
3. Dredging activities are expected to create some degree of turbidity in the receiving waters. Measures must be taken to prevent these activities from producing significant amounts of turbidity. If turbidity cannot be controlled by the method of dredging, silt curtains with boom devices, or other similar controls, will need to be deployed to confine the turbidity within the project area.
5. 4. A Water Quality Control Plan (Basin Plan) became effective on January 24, 1995. The Basin Plan identifies water quality objectives and beneficial uses of waters in the Santa Ana Region. The requirements contained in this order are necessary to implement the Basin Plan.

The beneficial uses of Lower Newport Bay, include:

- a. Navigation
 - b. Water contact recreation,
 - c. Non-contact water recreation,
 - d. Commercial and Sportfishing
 - e. Wildlife habitat,
 - f. Rare, threatened, or endangered species habitat,
 - g. Habitat for spawning, reproduction, and development of fish and wildlife,
 - h. Marine habitat, and
 - i. Shellfish harvesting.
- 6.
 8. The issuance of these waste discharge requirements is exempt from California Environmental Quality Act (Public Resources Code, Section 21100 *et seq.*) in accordance with Section 15304(g), Chapter 3, Title 14, California Code of Regulations, because the activity being regulated is a maintenance dredging activity with spoil deposited in areas approved by applicable agencies.
 9. This order constitutes State of California review and permitting of the operation pursuant to CWA Section 401 (33 USC 1341).
 10. The Board has notified the discharger and other interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity for public hearing and opportunity to submit their written views and recommendations.
 11. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that the discharger shall comply with the following:

A. Discharge Specifications

1. No activities associated with the dredging project, including the transport of dredged materials to the offshore disposal site, shall cause a nuisance or pollution as defined in Section 13050 of the California Water Code.
2. The discharge of any substance in concentrations toxic to animal or plant life is prohibited.
3. No activity associated with the dredging project, including the transport of dredged materials to the offshore disposal site, shall cause a visible increase in the natural turbidity of the receiving waters 100 feet from the activity.

B. Receiving Water Limitations

No activity associated with the dredging project, including the transport of dredged materials to the offshore disposal site, shall cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Board or the State Water Resources Control Board, as required by the Federal Water Pollution Control Act and regulations adopted thereunder. If more stringent applicable standards are promulgated or approved pursuant to Section 303 of the Federal Water Pollution Control Act, or amendments thereto, the Board may revise this order in accordance with such more stringent standards.

C. Provisions

1. The discharger shall comply with Monitoring and Reporting Program No. 01-68.
2. The discharger shall report any discharge of waste that may endanger health or the environment. Such information shall be provided to the Executive Officer (909-782-4130) and the Office of Emergency Services (800-852-7550), if appropriate, as soon as the discharger becomes aware of the circumstances. A written report shall be submitted within five (5) days of the time the discharger becomes aware of the circumstances and shall contain a description of the discharge and its cause; the period of discharge, including exact dates and times and, if the discharge has not been corrected, the anticipated time to reduce, eliminate, and prevent recurrence of the discharge.
3. The discharger shall report promptly to the Board any material change in the character, location, and/or volume of the discharge.
4. The discharger shall permit Board staff:
 - a. Entry upon the dredge or any premises where a discharge is located, or in which any required records are kept;
 - b. Access to copy any records required to be kept under the terms and conditions of this order;
 - c. To inspect monitoring equipment or records; and
 - d. To photograph or sample any discharge.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on June 1, 2001.

Gerard J. Thibeault
Executive Officer

California Regional Water Quality Control Board
Santa Ana Region

Monitoring and Reporting Program No. 01-68

for
U.S. Coast Guard
Maintenance Dredging – Lower Newport Bay
Orange County

A. General Monitoring Requirements

1. This monitoring program shall be implemented upon the initiation of the dredging project.
2. The volumes of excavated material shall be estimated and recorded on a daily basis.
3. Twice daily, during dredging operations, visual observations shall be made for turbidity plumes in the area approximately 100 feet downcurrent of the dredging activity. Visual observations shall be recorded in a permanent log.
4. Daily, during dredging operations, visual observations shall be made for turbidity plumes on all sides of moving, loaded barges/scows within Newport Bay. Visual observations shall be recorded in a log.

B. Reporting

Monitoring reports shall be submitted on the 30th day of each month and shall include all information collected in accordance with this monitoring and reporting program for the previous month, including:

1. The estimated volume of material, in cubic yards, excavated during the previous month. If no material is dredged during the reporting period, a report to that effect shall be submitted in lieu of a monitoring report, and
2. A copy of the log of turbidity observations.

All reports shall be signed by a responsible officer or duly authorized representative of the discharger and shall be submitted under penalty of perjury.

Ordered by _____
Gerard J. Thibeault
Executive Officer

June 1, 2001